Remarks/Arguments:

The Office Action rejected claims 1-24 under 35 U.S.C. 103(a). Specifically, claims 1-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of US Pat. No. 6.682,463 (the '463 patent) to Jackson or US Pat. App. 2002/00901040 to Jackson. Claims 19-24 were rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view the above noted Jackson references, and further in view of US Pat. 6,652,947 (the '947 patent) to Sweeney et al.

Rejection of Claims 1-18

The Office Action rejected claims 1-18 under 35 U.S.C. 103(a) over AAPA in view of either of the Jackson references. To establish a prima facie case of obviousness, all the claim limitations must be taught or suggested by the prior art. *See In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). The Office Action states that the '463 patent discloses an absorbent mat at column 2, lines 20-22. However, it appears the Office Action may have overlooked that the '463 patent discloses a water-resistant plastic mat, rather than the absorbent mat as claimed in the Office Action. Specifically, at column 2, lines 20-22, the '463 patent teaches, "a mat 9 designed such that it represents 90° of a complete circle, manufactured from a water-resistant poly-plastic material." By definition, water resistant materials are not absorbent. Nowhere in either of the Jackson references or in the AAPA is it taught or suggested that the corner mat be manufactured from absorbent materials. Claims 1 and 8 of the present invention are both directed to the use of an absorbent mat. (See claim 1, "an absorbent mat" and claim 8, "placing a flat, absorbent mat..."). Thus, the combination of AAPA and either of the Jackson references fails to teach all the claim limitation of independent claims 1 and 8 of the present application.

Because the combination of references fails to teach all of the claim limitations, the obviousness rejection of claims 1-18 is improper and should be withdrawn.

Furthermore, the Jackson invention teaches the extraction of fluids using a mat, "through aid of gravity and wet vacuum source." (See the '463 patent, col. 2, lines 49-50). Jackson also teaches the collection of "all fluids dispensed in the corners through the aperture openings 13, of the fluid extraction port 12, through the extraction port connector 16, through the flexible hose 19, to be collected by the wet vacuum source 20, thus eliminating hazardous wet corner conditions." (See the '463 patent, col. 2, lines 50-55). The English invention, on the other hand, is not directed to the extraction or collection of fluids, but rather is directed to the absorption all fluids dispensed during a boxing event. In addition, the mat disclosed by Jackson is designed to be continuously re-used during a pugilist competition and during training as the water is extracted from the surface. (See the '463 patent, col. 2, lines 61-62). The present invention teaches the use of the need for an adequate supply of mats during a boxing match, and that re-use of the mat is dependent upon the amount of fluid absorbed by the mat. (See English application, paragraphs [0021] and [0022]). Thus, the fluid control system disclosed in English is different than that taught in the Jackson references, the rejection is improper and should be withdrawn.

Rejection of Claims 19-24

The Office Action rejected claims 19-24 under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of either of the Jackson references, and further in view of Sweeney et al. However, the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, so there is no suggestion or motivation here to make the proposed modification. *See In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

There must be some suggestion or motivation to combine the references. See MPEP §2143.01. As previously stated, Jackson does not teach or suggest the use of an absorbent mat. Jackson teaches the collection and extraction of fluids through the use of gravity or vacuum and a non-absorbent plastic trough, specifically made of "a water-resistant poly-plastic material." (See the '463 patent, col. 2, lines 20-22). The combination of the teachings of the '463 patent to Jackson with the absorbent mat having multiple layers disclosed in the '947 patent to Sweeney et al. is incompatible as the use of an absorbent material would prevent the collection and extraction of fluids as taught in the '463 patent to Jackson as fluids would be absorbed rather than being collected through an extraction port as taught by Jackson. Furthermore, the spill mat disclosed in the '947 patent to Sweeney et al. is non-analogous art, and therefore there is no motivation to combine with either of the Jackson references. The Office Action is using impermissible hindsight using Applicant's invention as a road map to pick and choose elements found in the Jackson and Sweeney references and selectively rejecting contrary teachings in coming up with an obviousness rejection.

The Office Action states that AAPA in view of Jackson discloses the claimed invention except for the absorbent mat having multiple layers, and that it would be obvious to one skilled in the art to combine the three-ply absorbent mat taught by Sweeney et al., with the boxing ring mat as taught by Jackson in view of AAPA. The three-ply mat taught by Sweeney et al. teaches an upper and middle absorbent layer, and an impermeable bottom layer designed to prevent spilled fluids from soaking though to the floor beneath the mat. (See the '947 patent, col. 3, lines 37-43). This is different, in form and use, than the present invention of claim 19 which has an impermeable middle layer, allowing both the top and bottom absorbent layers to be used to collect fluids during different rounds of a pugilist match. The mere fact that references can be

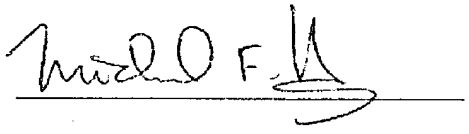
combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *See In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). In this case, there is no suggestion or motivation to combine the teachings of Sweeney and Jackson. Neither of the mats disclosed in the '947 or '463 patents are designed to be turned over and used a second time as the present invention is. In fact, turning either of the prior art mats over would defeat the very purpose of each of the mats either by bringing any food and drink located therein in direct contact with the floor in the case of the '947 patent, or preventing the channels of the mat from effectively collecting fluids, in the case of the '463 patent. Thus, because there is no motivation or suggestion to combine the Sweeney and Jackson references, the rejection is improper and should be withdrawn.

Because the combination of references would render the prior art inoperable, and because the Office Action fails to show any suggestion or motivation, either in the references or in the knowledge generally available, to modify the references or to combine reference teachings, the rejection is improper.

It is believed that the present arguments demonstrate there is no basis for a proper obviousness rejection under U.S.C. 103(a). The combined references fail to teach all the limitations of the claims of the present application, and fail to provide any motivation or suggestion to combine the references. Furthermore, the combination of the AAPA in view of the Jackson and Sweeney references would render the Jackson fluid collection mat unsuitable for it's intended purpose. In view of the arguments presented, Applicant respectfully requests reconsideration of this application, reconsideration of the rejections, and allowance of the application.

It is believed no fees are due upon consideration of this response. However, the Commissioner is authorized to charge any fees associated with this communication to deposit account 501285. If the Examiner has any questions or comments regarding this communication, the undersigned can be contacted to expedite the resolution of this application.

Respectfully submitted,



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